

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

FCC ENFORCEMENT BUREAU
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In Re Applications of:

SAN FRANCISCO UNIFIED
SCHOOL DISTRICT

For Renewal of License for
Station KALW (FM),
San Francisco, California

) MB Docket No.: 04-191
)
) File No.: EB-04-IH-0270
)
) Facility ID No.: 58830
)
) File No.: BRED-19970801YA

Deposition of: John Covell

Volume: 1

Pages: 1 through 75

Place: Washington, D.C.

Date: January 4, 2005

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JAN 21 2005

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Station KALW (FM),) File No.: BRED-19970801YA
San Francisco, California)

Deposition of:

JOHN COVELL

a witness of lawful age, taken on behalf of the Federal
Communications Commission, pursuant to notice, in the
offices of the Federal Communications Commission,
445 Twelfth Street, S.W., Washington, D.C., on Tuesday,
January 4, 2005, at 2:09 p.m., before Renee Katz, Notary
Public in and for the District of Columbia, when were
present:

APPEARANCES:

On behalf of KALW:

MARISSA G. REPP, Esquire
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Columbia Square
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-6845

Heritage Reporting Corporation
(202) 628-4888

APPEARANCES: (Cont'd.)

On behalf of the Commission:

JAMES W. SHOOK, Esquire
DANA LEAVITT, Esquire
Federal Communications Commission
Enforcement Bureau
445 Twelfth Street, S.W.
Washington, D.C. 20554
(202) 418-1420/418-1317

I N D E XWITNESS:EXAMINATION

John Covell

EXAMINATION BY COUNSEL FOR THE FCC 4

EXAMINATION BY COUNSEL FOR KALW 65

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
1	26	Excerpt of City Visions Dates/Producers/Topics through 7-7-97
2	30	City Visions Quarterly Issues/Programs List, 1992-1997
3	37	Issues List for Shows, 10-6-97 to 12-15-97
4	40	Issues List for Shows, 12-8-97 to 3-30-98
5	45	Issues List for Shows, 7-6-98 to 7-27-98
6	47	1-13-88 email from Helgeson to Covell
7	49	4-30-98 email from Levinson to Covell; 5-1-98 email from Covell to Levinson
8	51	Chart Format Issues List
9	60	Sample Quarterly Issues/ Program List

Deposition Began: 2:09 p.m. Deposition Ended: 3:54 p.m.

P R O C E E D I N G S

(2:09 p.m.)

THE REPORTER: Would you raise your right hand, please?

Whereupon,

JOHN COVELL

having been duly sworn, was called as a witness and was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE FCC

BY MR. SHOOK:

Q Could you state your name, please?

A John Covell, C-O-V as in Victor E-L-L.

Q Home and business address?

A Home address, 330 South West Street, #303, Alexandria, Virginia 22314. Business address, 475 L'Enfant Plaza, S.W., Room 3100, Washington, D.C. 20260-2181.

Q Now, are you here pursuant to a subpoena?

A I am.

Q Did you happen to bring any documents that were referenced in that subpoena?

A Yes.

Q And what documents did you bring?

A I brought hopefully everything that I had responsive to the subpoena. Would you like me to

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1 itemize them for the record?

2 Q Please.

3 A Okay. I brought a couple of quarterly
4 program guides in my possession, which aren't directly
5 referenced in the subpoena but might be germane, these
6 being the ones for Summer 2004 and Winter 2005.

7 I looked for the Fall 2004 program guide,
8 but was not able to find it. I thought possibly there
9 would be an announcement in there pursuant to the
10 hearing decision order. I was curious to see if there
11 would be.

12 I brought along a collection of essentially
13 monthly submissions that I made to KALW from June of
14 1998 through my leaving San Francisco after April
15 2001, these being on KALW's form for Issues/Programs,
16 a list. These were materials that I faxed in to the
17 station.

18 I brought along a couple of emails that I
19 was able to find on my computer that seemed germane to
20 the subject of this matter.

21 I brought along a sample quarterly Issues/
22 Programs list that the station provided me in October
23 of 1997 as an exemplar of the format or a suggested
24 format for these quarterly Issues/Programs lists.

25 I brought along the little program I guess

1 is what they call it for the memorial service that was
2 held in January 1998 for Dave Evans, the late chief
3 engineer of the station. I don't know if it has any
4 value to this, but it seemed somehow relevant.

5 I brought along a copy of a newspaper
6 article, the *San Francisco Examiner*, dated February 3,
7 1998, headline KALW Station Chief Resigns, subhead San
8 Francisco School District Broadcast Outlet's License
9 Is Threatened By Legal Challenge. Again it seemed
10 germane to the subject matter, and it was in my KALW
11 file at home.

12 Finally, I brought along a diskette onto
13 which I copied some computer files that I had on my
14 computer that again seemed germane to the subject
15 matter and responsive to the subpoena. It's in the
16 Mac format, and I will simply give that to you,
17 assuming that you can probably find a Mac somewhere to
18 read it if you wish to do so.

19 You also asked me to bring along some
20 diaries, DayMinders that I had for the years 1997
21 through 2001, and I did so. I have not reviewed them
22 in great detail other than the 1997 one that you had
23 asked me to look for any specific references germane
24 to the subject matter, and I did find one week in
25 which there were a couple of such references. Other

1 than that, I have not reviewed them lately.

2 Q Which week was that?

3 A It was a week in July of 1997. Okay. The
4 week of July 7. Monday, July 7. Specifically
5 Wednesday, July 9, 1997, I had a note to myself that
6 that evening I was going to work on the City Visions
7 database.

8 I also have a note that at 4:00 on the
9 afternoon of Thursday, July 10, Rose Levinson and I
10 had a meeting at the station with the manager, Jeff
11 Ramirez, subject matter not noted. It was just my own
12 note to myself of the appointment.

13 That's all that I was able to find in the
14 1997 diary that related to this so far as I could
15 tell.

16 Q With respect to the July 10 notation where
17 there's a reference to a meeting involving yourself,
18 Rose Levinson and Jeffrey Ramirez, do you remember
19 whether or not such a meeting took place?

20 A Oh, it did.

21 Q Do you remember what happened at the
22 meeting?

23 A Rose and I sat in Jeff's office at the
24 station, and as best I can recall it wasn't a very
25 long meeting, certainly less than an hour. We talked

1 about the program that Rose and I produced, City
2 Visions. As best as I can recall these years later,
3 it mainly focused on the program and the worth of the
4 program to the station as a public affairs program.

5 I'm trying to remember whether Rose and I
6 had any discussions preparatory to the meeting. What
7 I do recollect is that the reason for the meeting we
8 weren't very clear on. I believe Jeff Ramirez had
9 asked to meet with us, and Rose and I were speculating
10 as to why he wanted to meet with us.

11 Certainly we were hoping that it didn't --
12 it wasn't going to be his occasion for saying that we
13 were, you know, not going to have the program any more
14 or anything like that. Obviously he's the boss of the
15 station. He's in charge of programming decisions.

16 There was no such dire result from the
17 meeting, I'm happy to say.

18 Q Were you asked to prepare a document of any
19 kind?

20 A No.

21 Q Now with respect to the notation for the
22 night before.

23 A Yes?

24 Q You mentioned July 9. What was that all
25 about?

1 A That was just working on creating the
2 database, an except from which apparently was appended
3 to the license challenge by Jason Lopez, a three-page
4 document that you and I had previously talked about.

5 Q Right. We'll get into that in a little bit
6 more detail.

7 Now with respect to some of the other
8 documents that you've mentioned, first of all actually
9 with respect to 1997, so far as you can tell, looking
10 through your DayMinder, those were the only two
11 references that appeared to be germane to the subpoena
12 request?

13 A That's all I could find in the 1997 diary.
14 Again, although I dug these out I haven't gone through
15 them. I haven't poured through them to see whether
16 there would be anything relevant. There may or may
17 not be.

18 Q Well, with respect to January of 1998 do you
19 have anything at all written in there relative to the
20 City Visions program?

21 A Well, I'm sure that throughout these I have
22 many things relevant to City Visions, but they would
23 have solely to do with the operations of City Visions,
24 i.e., call somebody about something.

25 Even at this point, although I was

1 denominated the executive producer, it was such that I
2 didn't usually produce shows myself. I mainly oversaw
3 the other producers. I still occasionally did a show
4 because something fell through or I had some special
5 axe I wanted to grind perhaps or, on the other hand,
6 sometimes Rose was out of town and I had to host the
7 show.

8 January of 1998. Let's see. Okay. Well,
9 I'll just call off anything that relates to KALW.
10 January 6, 1998. That's a Tuesday. I had a note to
11 call Jeff Ramirez. I have no idea about what.

12 Okay. Here's a note that evening. Report
13 for KALW, so that was something I noted to myself to
14 work on that evening.

15 Q And does that trigger any memory in terms of
16 what kind of report?

17 A Not specifically. It was probably one of
18 those quarterly reports because that was the only kind
19 of regular report I did for KALW was these Issues
20 lists.

21 I have, as I said, a couple of emails, one
22 of which dates from January of 1998, which is relevant
23 to that.

24 Let's see. A note about the January 12
25 show. It was Erin Flynn that produced it. It had to

1 do with youth legal services.

2 January 19, City Visions was preempted by
3 something. It was Martin Luther King Day, so maybe
4 there was a special.

5 The following Monday, January 26, Lysa Hale
6 produced a show. The subject matter I don't have a
7 note on, although it's probably in my database.
8 That's all I have for January.

9 Q You mentioned some emails.

10 A Uh-huh.

11 Q What emails are they?

12 A Well, I printed off two, and I was trying to
13 be expansive in my quick review of some old email that
14 I still had lurking on my computer somewhere.

15 One is dated January 13, 1998, to me from
16 Bill Helgeson. It speaks for itself, but I can read
17 it into the record if you like.

18 Q Please.

19 A It's short. "John: Thanks for the list.
20 For keeping our records up-to-date, from now on would
21 you please prepare such a list quarterly from now on?
22 Regards, Bill Helgeson."

23 Q Thank you.

24 A This is a copy I can give to the record. I
25 don't need to keep it.

1 Q Okay. We can just make photocopies for
2 everybody.

3 A The other one dates May 1, 1998. It's from
4 me to Rose Levinson in response to one she wrote me.

5 On April 30, 1998, she wrote, "I spoke to
6 Ana Perez (a very nice person, by the way) who said
7 she'd be speaking with you. It's about keeping a
8 database of CV topics/guests. I assume they need it
9 for compliance purposes."

10 My response to Rose on May 1 was, "Yes. I
11 spoke with her this afternoon. Had a good talk. Her
12 position is program manager (including youth programs
13 if/when those come into being). I'm providing her the
14 CV database for the KALW public file (same material I
15 provided to Jeff Ramirez).

16 "In the future she needs to receive the CV
17 on a monthly basis, which shouldn't be too much of a
18 problem. I'll pick up the form when next I'm at the
19 station, which may be Saturday (Sandy and I plan to
20 pitch in on the phone crew during Dore's show).
21 John." Sandy is a reference to my ex-wife.

22 Q Thank you. The other piece of paper that
23 you've got there, the single sheet? What is that?

24 A This is something that was faxed to me on
25 October 20, 1997, from KALW. It's titled Sample

1 Quarterly Issues/Programs List.

2 As I said earlier, it's just an exemplar of
3 a format that would be helpful for recording this kind
4 of information.

5 Q Do you have any idea who it was who sent you
6 this document?

7 A It was probably Bill Helgeson.

8 Q Do you recall any conversations that
9 preceded your receiving this document that would lead
10 you to believe that it came from Mr. Helgeson?

11 A I recall some conversation probably at the
12 station, although it could have been over the
13 telephone, with somebody at the station. I couldn't
14 swear that it was Bill Helgeson, but somebody at the
15 station who was in a position to say the station needs
16 this information; would I please provide it.

17 This is a sample format for it. You know,
18 they offered to fax it to me. I said fine, fax it to
19 me. That's what I received.

20 Q Is this the first such document of a format
21 that you had received from the station?

22 A I believe so. It's certainly the earliest
23 thing I had in my file of that nature.

24 Then again, that's subsequent to the time my
25 own diary shows I was working on the City Visions

1 database, so I expect a purely oral request had been
2 made to me well before somebody thought to provide me
3 an exemplar of the format required or desired.

4 The other side is probably just some piece
5 of scratch paper that I had sitting in my fax machine
6 at home. A paper conservation method not relevant
7 here.

8 Q Okay. I should pay attention to the one
9 side and not the other?

10 A Probably. I hope there's nothing scandalous
11 on there.

12 Q It would probably take me a while to figure
13 it out.

14 A It looks like an old resume. Oh, my.

15 MR. SHOOK: We'll have photocopies of this
16 made as well.

17 MS. REPP: Yes.

18 THE WITNESS: I was job hunting at the time,
19 and then my job with the Postal Service changed into a
20 much happier job and so I didn't leave.

21 BY MR. SHOOK:

22 Q We've gotten into this subject already, but
23 could put some dates, beginning and ending dates?
24 Could you give us the starting and end dates for your
25 involvement with KALW Radio?

1 A Sure. I was a listener for a number of
2 years, but when I was laid off from a job that I had
3 in June of 1993 I was at loose ends a bit while I
4 looked for a new job, so I knew that volunteers were
5 desired at every public radio station. I went down to
6 KALW and offered my services.

7 The only person there at the time, the day I
8 happened to walk in at the old studios on Harrison
9 Street, was Dave Evans because Bill Helgeson was on
10 leave at the time. Dave told me that Bill had just
11 gotten married and was on a honeymoon in fact.

12 Dave Evans suggested that the thing popped
13 immediately to mind was that Rose Levinson produced
14 this show on Monday evenings called City Visions, a
15 public affairs show, and she needed a producer to help
16 her with the show.

17 The most immediate thing that I'd be doing
18 would be screening calls because it was a call-in
19 show. I said fine, you know. I got the name and
20 number and called her up, and we agreed to meet. It
21 went from there.

22 My involvement lasted until I left San
23 Francisco in June of 2001, and that's because I got a
24 promotion to a job in Postal Service National
25 Headquarters.

1 Q Could you briefly describe what your job
2 involved as a producer and then follow that up with
3 whether your job description or job duties changed
4 over time?

5 A Sure. Initially I was doing solely
6 production work, the barest sort of production work.
7 It was being at the station to sit in the control room
8 along with the board operator and when somebody called
9 in answer the phone, get their name, learn a little
10 bit about what they wanted to ask, make sure it wasn't
11 a wrong number basically. There wasn't any really
12 substantive screening of the topics. I didn't reject
13 callers generally.

14 I would then, you know, feed them through to
15 Rose, who would be on the mike with the guests in the
16 air studio. She had a talk-back circuit so that I,
17 you know, could whisper in her ear as it were the name
18 and city from which the person was calling so that
19 she'd know to introduce the person on the air. You
20 know the format. It goes from there.

21 That was all I did for about the first month
22 or so. Then she asked me if I'd like to start really
23 producing the show and gave me an idea of what that
24 entailed. What it entailed was thinking up topics for
25 the show, discussing them with her to make sure there

1 wasn't some problem with it or we hadn't just done it
2 or she hadn't just done it and thinking up guests,
3 calling the guests, cajoling them into coming on the
4 air.

5 It's amazing how many people who ostensibly
6 have causes have microphobia and don't want to get on
7 the soapbox and talk to thousands of people, you know,
8 so I really had to do some persuading sometimes.

9 Anyway, I made all the logistical
10 arrangements, and on my own I started writing press
11 releases because I liked doing it and sending them out
12 to the newspapers hoping that they'd get a listing.
13 You know how short shrift radio gets in the press.
14 You know, publicizing the show as much as I could,
15 trying to get people to take an interest, telling
16 people and all of that.

17 Then on the night, of course, I'd be at the
18 station early to welcome the guest, make them feel
19 comfortable, make sure that everything was going
20 according to plan, which most of the time it did, get
21 them into the studio, you know, get them a cup of
22 water or something if they wanted it, make them
23 comfortable and chat briefly with Rose when she
24 arrived to make sure everything was in sync.

25 Then continue with the call screening during

1 the airing of the show, which was an hour long every
2 Monday night from 7:30 to 8:30 and still is, according
3 to the program guide, and then afterwards, of course,
4 thank the guest profusely for coming in. You know, it
5 was just a little bit of PR as well as logistical
6 stuff. That's the essential job of anybody that
7 produces a show like this.

8 Now, later on when Rose and I realized
9 simply because of circumstances and events that we
10 probably ought to have more people available than just
11 her and me -- if something happened, if she or I had
12 to leave town and all this other we were crippled. It
13 was like hey, duh. Let's get some extra people
14 involved. We're all volunteers. Let's get more
15 volunteers.

16 Gradually over the years we built up a
17 stable of associate producers, so I got to glorify
18 myself with the title senior producer. I still
19 produced shows, probably one out of every four or five
20 shows. As we gradually built up a core of volunteers
21 who if they knew what they were doing did well and had
22 fun and if they didn't they got the heave-ho, things
23 went pretty well. It just sort of ticked along.

24 Since it was all volunteers, you know,
25 nobody was making any money off it, but we were having

1 fun. People would move on in their lives and so there
2 was turnover and stuff like that. Over the course of
3 the years, I'd say there were close to two dozen
4 people who cycled through as associate producers.

5 I was the only constant for about eight or
6 nine years because I liked doing it, and I wasn't
7 moving on anywhere. I mean, I was sort of moving on,
8 but not enough to stop doing what I was doing, whereas
9 some of the others were going off to journalism school
10 -- we were proud of them for doing that -- or just
11 other parts of life.

12 In any event, about -- I don't know -- four
13 or five years in it was getting a little bit old for
14 me and so Rose and I discussed how we could, you know,
15 make what I was doing more interesting. What we
16 decided was that I'd move into the executive producer
17 slot.

18 All that meant really was I'd give over the
19 week-to-week production of specific shows to the
20 associate producers, and myself I would engage in
21 recruiting them, training them, making sure they were
22 doing all right, helping them with problems that came
23 up during the production of the show and basically
24 keep them on an even keel, write up materials to
25 assist them with just the how-tos of producing a show,

1 including the how-to of hosting a show, which
2 occasionally was necessary.

3 We urged them all to take the opportunity
4 when Rose was out of town. It was her show. She did
5 it generally, but if she was going to be away then
6 either I would do it or one of the producers would do
7 it. I always encouraged them to do it too because
8 it's great experience, and it's a lot of fun.

9 Then again, not all of them wanted to do it.
10 Of course, everybody gets butterflies the first few
11 times. I wrote up materials to help them get over
12 those hurdles so that they would, you know, get into
13 it and feel good about it. It was a self-development
14 kind of thing.

15 That was pretty much the status that I
16 continued through the spring of 2001 when I left town.

17 Q Over the course of time, approximately how
18 many programs did you actually host?

19 A Host? Oh, gosh. I don't know. Probably 20
20 or 30 programs. Rose was there most of the time, but
21 every summer she takes a vacation. She usually goes
22 to Europe. During those intervals I was the default
23 host if one of the associate producers chose not to do
24 it. Some of them just didn't enjoy doing it.

25 Q When did you first host programs?

1 A It was probably as early as 1994 I would
2 say. It could have been 1993. I don't know.

3 Q It was sometime though within the first two
4 years of you starting?

5 A Oh, sure. Yes. If I were to look at my
6 database, my list, which is on that diskette, by the
7 way, it's probably noted. I think I noted when I
8 hosted a show. It's in one of the columns. It would
9 just say in parentheses "JC Host" or something like
10 that.

11 Q Now, was City Visions the only program at
12 KALW that you were involved with?

13 A It was the only program whose production I
14 was involved in. I was an avid listener to a lot of
15 programs on the station.

16 Now, later on in the 1990s I was briefly
17 involved in a different program that was very
18 different. It was a music program late on Friday
19 nights. It was called -- well, I think informally we
20 called it Musical Chairs because I would do it every
21 Friday night for a month, and then somebody else would
22 do it every Friday night for a month, and then a third
23 person, who happened to be Jason Lopez, would do it
24 every Friday night for a month.

25 We went through it for about a year or year

1 and a half that way. I did a rock and roll show, old
2 blues and jazz and stuff like that. I forget what the
3 second person did. Jason did some mostly twentieth
4 century classical music.

5 After a year or so the acting general
6 manager at the time, Michael Johnson, decided that
7 that was enough confusion for the listeners, and he
8 gave the nod to Jason. Jason did it from then on out.
9 The program was and maybe still is called Don Giovanni
10 Overdrive. It's a pretty good show.

11 I bore them no grudge whatsoever for that.
12 I had a lot of fun doing the show.

13 Q So the period of time when you were involved
14 with that show would have been 1998-1999, somewhere in
15 that range?

16 A Probably 1998, 1999, 2000. Somewhere in
17 there. I can probably nail it down closer if that
18 were necessary.

19 Q Were there any other programs that you were
20 involved with in any way?

21 A Not at KALW. No other production, although
22 I was on good speaking terms with a number of other
23 show producers, and I talked to them about things like
24 that. That was, you know, highly informal.

25 Q With respect to your involvement with the

1 City Visions program, was there a normal time that the
2 program would air?

3 A Yes. Every Monday at 7:30 p.m.

4 Q And what was the length of the program
5 ordinarily?

6 A Sixty minutes.

7 Q Were there any periods of time when it was
8 other than 60 minutes?

9 A I believe at the very beginning when Rose
10 did the show alone it started as a 30 minute program,
11 but it was 60 minutes by the time I became involved.

12 I think it was probably only a few months
13 when it was a half hour show. I think Rose began the
14 show about a year before I became involved.

15 Q When you mentioned Rose before you mentioned
16 her in the context of volunteer. Was it your
17 understanding that she was a volunteer like you?

18 A Yes.

19 Q Was there ever a period of time when she was
20 involved in station management?

21 A Yes. She was the manager for a one-year
22 period. I think it was about 1995.

23 Q When she was manager, would she also
24 continue to host the City Visions program?

25 A Yes.

1 Q When she was manager, did your acting as
2 guest host, did the number of programs that you guest
3 hosted increase or stay pretty much the same?

4 A Pretty much the same. She continued to do
5 City Visions without any change discernable at all
6 really.

7 Q Now, who do you remember as being managers
8 of the station during your period of time?

9 A Jerry Jacob was the manager at the
10 beginning, and I believe after he left it was Rose for
11 a year, I believe. After Rose, I think Bill Helgeson
12 was the acting manager for a time, and then Jeff
13 Ramirez came on.

14 Then Michael Johnson, who had been a
15 volunteer and staff member actually at the station for
16 quite a long time, became the manager. After him it
17 was Ruben Bouchet, the best of all of them in my
18 opinion.

19 Following Ruben's departure I guess there
20 was another hiatus in which Bill Helgeson may have
21 been the acting manager and then Nicole Sawaya was
22 hired. That's my recollection.

23 Q Now, the first person you mentioned was?

24 A Jerry Jacob.

25 Q Jerry Jacob. Did Jerry Jacob ever ask you